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CORRECTION. — Attention is called to an error in the February issue in the statement of the decision in the case of *Brainerd v. State*, 131 N. Y. Supp. 221 (Ct. of Claims). 25 HARV. L. REV. 388. A majority of the court held that costs should not be allowed.

THE PATENTEE'S MONOPOLY AND THE ANTI-TRUST LAW. — How far does the Sherman Anti-Trust Act conflict with the monopoly granted to the inventor by the patent law?

The patent statute gives the right to exclude others from making, using, and vending the patented article.¹ But it gives nothing more.² It does not give the right to make, use, and vend, nor the property right in the patented chattel, nor the right to make contracts concerning it. These rights the patentee already has. The patented article itself, then, and contracts in reference to it are subject to the law of the land.³ Thus it is subject to the police power of the state,⁴ the law of public service,⁵ and the criminal law.⁶

¹ U. S. COMP. STAT., 1901, § 4884, grants to the patentee "for the term of seventeen years the exclusive right to make, use, and vend the invention or discovery."

² See *Bloomer v. McQuewan*, 14 How. (U. S.) 539, 549.

³ See *Heaton-Peninsular Button-Fastener Co. v. Eureka Specialty Co.*, 77 Fed. 288, 293.

⁴ A patented oil must conform to the standard of safety prescribed by the state. *Patterson v. Kentucky*, 97 U. S. 501. A patentee of medicine must take out a state license to prescribe it as a physician. *Jordan v. The Overseers of Dayton*, 4 Oh. 294.

⁵ That the telephone is patented is no excuse for refusing service. *Chesapeake & Potomac Tel. Co. v. Baltimore & Ohio Tel. Co.*, 66 Md. 399, 7 Atl. 809.

⁶ A state statute may prohibit the use of a patented lottery device. *Vannini v. Paine*, 1 Har. (Del.) 65.